

REMARKS

Claims 19-24 are now pending in the application. Claims 19-21, and 23 are now amended. Claim 24 is now added. Claim 24 does not include new subject matter and is fully supported by the application as filed. Claim 24 is previously pending Claim 18 written in independent form and does not narrow the scope of previously pending Claim 18. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INFORMATION DISCLOSURE STATEMENT

The Office Action indicates that the following references cited in the Information Disclosure Statement filed August 26, 2003 have not been considered because the IDS fails to comply with 37 C.F.R. § 1.98(a)(2): EP 0490 417 A1; JP751,292; and JP410211213A.

Applicant's representative Brent G. Seitz contacted the Examiner on August 21, 2006 for clarification of this objection because it appears that the August 26, 2003 IDS does comply with Section 1.98. The Examiner indicated that he did not receive the copies of the foreign references and the English translations. The Examiner indicated that these materials were likely lost by the USPTO. Therefore, Applicant now submits copies of the foreign references and English translations for those in the Japanese language. Applicant requests consideration of the foreign references.

Although the Examiner indicated that it was not necessary to submit another Form 1449 listing these references, Applicant now lists these references on the Form 1449 of the Supplemental Information Disclosure Statement filed concurrently with this

Amendment for the Examiner's convenience.

CLAIM OBJECTIONS

The following language of Claim 20 stands objected to: "selecting the second implant to include a conduit includes selecting at least a bore and an aperture defined by said second implant." Applicant now amends Claim 20 in accordance with the proposed amendment provided in the Office Action. Therefore, Applicant respectfully requests reconsideration and withdrawal of this objection to Claim 20.

Claim 10 also stands objected to. Applicant now cancels Claim 10. Therefore, this objection is now moot.

DRAWINGS

The drawings stand objected to under 37 C.F.R. § 1.83(a) for failing to show the tapered implant engaging section discussed in Claim 14. Applicant respectfully disagrees with this objection. However, this objection is now moot because Claim 14 is now cancelled.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Purificato (U.S. Pat. No. 2,631,584). Claims 1-4 and 6-9 are now cancelled. Therefore, this rejection is now moot.

Claims 17, 20-21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Purificato (U.S. Pat. No. 2,631,584). This rejection is respectfully

traversed. Claim 17 is now cancelled and Claims 20, 21, and 23 are now amended to be dependent upon new Claim 24.

Allowed Claim 18 is now rewritten in independent form as Claim 24. New Claim 24 does not narrow the scope of previously pending Claim 18. Therefore, Claim 24 and Claims 20, 21, and 23 are now in a condition for allowance. Applicant respectfully requests reconsideration and withdrawal of this Section 102 rejection of Claims 20, 21, and 23.

REJECTION UNDER 35 U.S.C. § 103

Claims 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Purificato (U.S. Pat. No. 2,631,584) in view of Essiger (U.S. Pat. No. 6,302,885). Claim 5 is now cancelled. Therefore, this rejection is now moot.

Claims 17 and 19-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markolf (U.S. 3,741,205) in view of Chappius (U.S. 6,565,572). Claim 17 is now cancelled. Therefore, this Section 103 rejection with respect to Claim 17 is now moot.

Claims 19-23 are now amended to be dependent upon new Claim 24, which is allowed Claim 18 written in independent form. Therefore, Claims 19-23 are now in a condition for allowance. Applicants respectfully request reconsideration and withdrawal of this Section 103 rejection of Claims 19-23.

ALLOWABLE SUBJECT MATTER

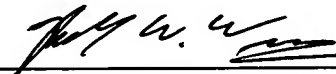
Claim 18 is allowable if rewritten in independent form. Accordingly, Applicant now adds new Claim 24, which is Claim 18 written in independent form. Therefore, Claim 24 and those claims dependent therefrom are now in a condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 24, 2006

By: 
Richard W. Warner
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

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